

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

DENNIS PATRICK and GRETHA PERRY,
Individually & on behalf of all others
similarly situated,

Case No: C 12-6172 SBA

ORDER ACCEPTING REPORT AND RECOMMENDATION OF MAGISTRATE JUDGE

Plaintiffs.

vs.

HITACHI, LTD.,

Defendant.

This putative class action originally was assigned to Magistrate Judge Joseph Spero (“the Magistrate”). On April 12, 2013, the Magistrate issued a Report and Recommendation which recommended the dismissal of the action based on “Plaintiff’s failure to appear for the case management conference on March 8, 2013, for failure to prosecute, and for failure to comply with the Court’s Order dated December 5, 2012.” Dkt. 9 at 1. In addition, the Magistrate directed the Clerk to reassign the action to a District Judge for action on the Report and Recommendation. Id.

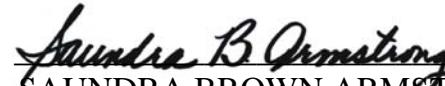
The deadline to file an objection to the report and recommendation was April 26, 2013. See Fed. R. Civ. P. 6(a)(1), 72(b). To date, no objections have been filed in this case. In the absence of a timely objection, the Court “need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (citing Campbell v. U.S. Dist. Court, 501 F.2d 196, 206 (9th Cir. 1974)); see also United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (“The statute [28 U.S.C. § 636(b)(1)(C)] makes it clear that the district judge must review the magistrate judge’s findings and recommendations de novo if [an]

1 *objection is made, but not otherwise.”) (en banc). The Court has reviewed the record on its
2 face and finds no clear error. Accordingly,*

3 IT IS HEREBY ORDERED THAT Magistrate Judge Spero’s Report and
4 Recommendation is ACCEPTED and shall become the Order of this Court. The action is
5 therefore DISMISSED. The Clerk shall close the file and terminate all pending matters.

6 IT IS SO ORDERED.

7 Dated: May 29, 2013


8 SAUNDRA BROWN ARMSTRONG
9 United States District Judge

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